

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

FILED

JUL 11 2018

Clerk, U S District Court
District Of Montana
Billings

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GARRET JAY COSTA, JR.,

Defendant.

CR 15-41-BLG-SPW

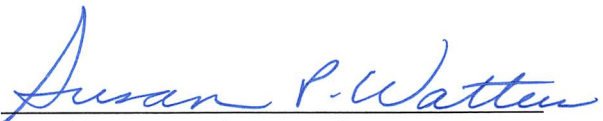
ORDER

On June 27, 2018, United States Magistrate Judge Johnston entered Findings and Recommendations with respect to the June 7, 2018 petition for revocation of Defendant Costa's supervised release. (Docs. 45 and 38). Although the parties were notified of their right to file objections to the Findings and Recommendations within 14 days, neither party filed objections. Failure to object waives the right to review. Fed. R. Crim. P. 59(b)(2). But consistent with the Court's "full authority" to review the Findings and Recommendations under any standard it deems appropriate, *Thomas v. Arn*, 474 U.S. 140, 154 (1958), the Court reviews for clear error. Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Bases on Costa's admissions to the alleged violations, Judge Johnston recommends his supervised release be revoked. Judge Johnston further recommends that this Court enter the proposed Judgment attached to his Findings and Recommendations, (Doc. 45-1), and sentence Costa to the custody of the United States Bureau of Prisons for three months on each count, to run concurrent, with thirty-three months of supervised release to follow. The first sixty days of Costa's supervised release shall be spent in inpatient treatment at Connections Corrections or as directed by the United States Probation Office. Judge Johnston's Findings and Recommendations are without clear error and hereby adopted in full.

IT IS ORDERED that Defendant Costa's supervised release is revoked. Judgment will be entered by separate document.

DATED this 11th day of July 2018.


SUSAN P. WATTERS
United States District Judge